THE HON'BLE MR JUSTICE GODA RAGHURAM

–

WRIT PETITION NO : 11624 of 2006

DATED: 20-06-2006

BETWEEN:

Putta Sathiraju and others

.. Petitioners

And

The Asst. Commissioner of Endowments and another

.. Respondents

THE HON'BLE MR JUSTICE GODA RAGHURAM

–

WRIT PETITION NO : 11624 of 2006

ORAL ORDER:

The petitioners assert that they are cultivating wetland admeasuring Ac.2.04 cents each (total Ac.6.14 cents) in Survey No.162 of Pedapudi Village, Pedapudi Mandal, East Godavari District, belonging to the second respondent Devasthanam. They also assert that the lease was in favour of the first petitioner. There is a further assertion that the first petitioner is the Manager of the Joint Hindu undivided family.

It is neither pleaded, urged nor established before this Court that the lease of the lands of the second respondent Devasthanam were granted to the first petitioner in his capacity as a Manager of the Hindu undivided family. The first petitioner can legitimately be a lessee in his individual capacity of Devasthanam Lands. There is, thus, no foundation for the assertion that the extent of Ac.6.14 cents of land in Survey No.162 of the second respondent Devasthanam is in cultivation of the three petitioners in an extent of Ac.2.04 cents each. The lease having been granted to the first petitioner, he alone is the cultivating tenant within the meaning of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 197 and since the land cultivated by the first petitioner is wet land in an extent of Ac.6.14 cents, the first petitioner does not answer the description of a landless poor person, in view of the definition of the expression in the explanation to Section 82(2) of the Act. The first petitioner is, therefore, not entitled to any of the benefits as a landless poor person under the legislative dispensation.

The petitioners resisted the auction notice issued by the second respondent on 22.5.2006 proposing auction for grant of leasehold rights of the lands of the second respondent Devesthanam, which are defacto in the cultivation of the first petitioner. The law does not permit grant of any relief to the petitioners in the aforesaid circumstances. What the law does not permit, cannot be granted by way of mandamus. There are no merits.

The writ petition is dismissed at the stage of admission, after hearing the learned Government Pleader for Endowments. As and when the auction is held the petitioners are at liberty to participate therein. No costs.

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GODA RAGHURAM,J

Dated:20-06-2006

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